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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
FIRST APPELLATE DISTRICT
DIVISION 3

In re S.P., a Person Coming Under the
Juvenile Court Law.

THE PEOPLE,

Plaintiff and Respondent,

v.

S. P.,

Defendant and Appellant.

A155262

(Alameda County
Super. Ct. No. JV02998601)

S.P. appeals from a disposition entered after the juvenile court found true an allegation that she had unlawfully taken or driven a vehicle without the owner's consent. She contends the order should be reversed because there was no substantial evidence to prove the owner's lack of consent or her specific intent to deprive the owner of the vehicle. The juvenile court's findings are supported by substantial evidence, so we affirm.

FACTUAL AND PROCEDURAL BACKGROUND

The following evidence is described most favorably to the respondent in accord with the standard for substantial evidence review. (See *People v. Ceja* (1993) 4 Cal.4th 1134, 1138-1139.)

In September or October of 2017, S.P. was contacted by a man over a dating website and they began a “sex” relationship. Over the next three or four months, they met about six times.

In October, the man rented a car from Enterprise Rent-A-Car while his Mercedes was being serviced. S.P. was with him when he rented the car. After, the car had a flat tire. Enterprise replaced the car with a truck. S.P. was never listed on the rental agreement but was with the man at Enterprise when he picked up the truck. He testified he only gave S.P. permission to drive the truck once to go shopping for about an hour. At some point during this time, he got his Mercedes back.

Later that month, the man took S.P. to dinner and then to his house. He fell asleep while she was there, but when he woke up around midnight, she was gone, which was not unusual. The following morning, the man could not find the truck’s keys and the truck was gone. He had not given S.P. permission to take the truck at the time and texted her that morning, referring to the truck, “I need to hear from you. We need to talk about the car[.]”

S.P. replied that someone she knew “took off in the truck” and that she was “trying to find it and get it back.” The man continued to text her for the next two days. One such text stated, “ ‘Extending the truck [rental] is not an option for me now. Maybe in a couple weeks another rental.’ ”

S.P. eventually replied, “ ‘I have the truck. [¶] . . . [¶] I just got it back.’ ” They arranged to meet at Enterprise to return the truck, but S.P. never showed up. S.P. admitted that she lied about getting the truck back so she could buy time to actually get it back and to get the man to stop texting her.

S.P. never returned the truck, so the man reported it stolen to Enterprise and the police. Enterprise valued the truck at \$27,000. The police later located and impounded the truck, which was being driven by the person who took it from S.P. The driver told the police S.P. gave him the truck.

In December, the Santa Clara County District Attorney filed a juvenile wardship petition (Welf. & Inst. Code, § 602, subd. (a)) alleging that S.P. took or drove a vehicle

with the intent to temporarily deprive the owner of possession (Veh. Code, § 10851, subd. (a)) and bought or received a stolen vehicle (Pen. Code, § 496d). The court sustained only the section 10851 allegation, as a felony. After the case was transferred to S.P.’s county of residence, the Alameda County juvenile court adjudged S.P. a ward and placed her on probation in her mother’s house. S.P. timely appealed.

DISCUSSION

I. Standard of Review

The standard of proof for sufficiency of the evidence in juvenile proceedings is the same as in adult criminal trials. (*In re Babak S.* (1993) 18 Cal.App.4th 1077, 1088.)

“To assess the evidence’s sufficiency, we review the whole record to determine whether *any* rational trier of fact could have found the essential elements of the crime or special circumstances beyond a reasonable doubt. [Citation.] The record must disclose substantial evidence to support the verdict—i.e., evidence that is reasonable, credible, and of solid value—such that a reasonable trier of fact could find the defendant guilty beyond a reasonable doubt. [Citation.] In applying this test, we review the evidence in the light most favorable to the prosecution and presume in support of the judgment the existence of every fact the jury could reasonably have deduced from the evidence. [Citation.] ‘Conflicts and even testimony [that] is subject to justifiable suspicion do not justify the reversal of a judgment, for it is the exclusive province of the trial judge or jury to determine the credibility of a witness and the truth or falsity of the facts upon which a determination depends. [Citation.] We resolve neither credibility issues nor evidentiary conflicts; we look for substantial evidence. [Citation.]’ [Citation.] A reversal for insufficient evidence ‘is unwarranted unless it appears “that upon no hypothesis whatever is there sufficient substantial evidence to support” ’ the jury’s verdict.” (*People v. Zamudio* (2008) 43 Cal.4th 327, 357 (*Zamudio*).)

Moreover, we “ ‘must accept logical inferences that the [trier of fact] might have drawn from the circumstantial evidence. [Citation.]’ [Citation.] ‘Although it is the [trier of fact’s] duty to acquit a defendant if it finds the circumstantial evidence susceptible of two reasonable interpretations, one of which suggests guilt and the other innocence, it is

the [trier of fact], not the appellate court that must be convinced of the defendant's guilt beyond a reasonable doubt.' ” (*Zamudio, supra*, 43 Cal.4th at pp. 357-358.)

II. There is sufficient evidence of the violation of Vehicle Code section 10851.

“To establish a defendant's guilt of violating Vehicle Code section 10851, subdivision (a), the prosecution is required to prove that the defendant drove or took a vehicle belonging to another person, without the owner's consent, and that the defendant had the specific intent to permanently or temporarily deprive the owner of title or possession. [Citation.]” (*People v. O'Dell* (2007) 153 Cal.App.4th 1569, 1574, fn. omitted.)

First, the man testified, and S.P. admitted, that she took and drove the truck. Second, S.P. was not on the rental agreement, so she did not have permission from Enterprise to drive it, and the man testified that he had not given S.P. permission to drive or take the truck that night. A rational trier of fact viewing this evidence could find beyond a reasonable doubt that S.P. took or drove the truck and that she did not have the owner's consent when she did so.

As for the final element, “ ‘[s]pecific intent to deprive the owner of possession of his car may be inferred from all the facts and circumstances of the particular case. Once the unlawful taking of the vehicle has been established, possession of the recently taken vehicle by the defendant with slight corroboration through statements or conduct tending to show guilt is sufficient to sustain a conviction of Vehicle Code section 10851. [Citation.]’ ” (*People v. Green* (1995) 34 Cal.App.4th 165, 181.)

Here, S.P. took the truck while the authorized renter slept, and he texted her almost immediately upon finding the truck gone in the morning. She did not reply for some time. Then, when she did, she said it was taken by someone she lived with. Two days later she told the man she had the truck back, but then did not meet him at Enterprise to return it. At trial, she admitted lying and said she actually never got the truck back.

From the totality of the evidence, a rational trier of fact could find beyond a reasonable doubt that S.P. harbored the specific intent to deprive the authorized renter

and Enterprise of possession of the car, at least temporarily. This is sufficient evidence to show a violation of Vehicle Code section 10851.

S.P. argues she had a claim of right to the truck. She testified that the man rented the truck for her in exchange for “three sexual dates.” After she took the truck, the man texted her, stating, “ ‘Maybe in a couple weeks another rental,’ ” which she contends, because his car was already returned to him, supports her claim the truck was for her. Additionally, because the man asked her to drive the truck to Enterprise to return it, S.P. argues he did not withdraw his consent for her to drive the truck. Finally, because someone took the truck from S.P., she could not return it. Thus, S.P. alleges she had a good faith belief that she had consent to take and drive the truck and that she did not intend to keep it from the man or Enterprise after he asked her to return it.

This argument is not persuasive. “The claim-of-right defense provides that a defendant’s *good faith belief*, even if mistakenly held, that [s]he has a right or claim to property [s]he takes from another negates the felonious intent necessary for conviction of theft or robbery.” (*People v. Tufunga* (1999) 21 Cal.4th 935, 938, italics added.) For this defense to succeed, the trial court had to conclude S.P. had a good faith belief that she had a right to the truck. The record shows the trial court did not find her claim credible. “ ‘We resolve neither credibility issues nor evidentiary conflicts.’ ” (*Zamudio, supra*, 43 Cal.4th at p. 357.)

DISPOSITION

The judgment is affirmed.

Siggins, P.J.

WE CONCUR:

Fujisaki, J.

Petrou, J.

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